

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.**

***ORDINARY ORIGINAL CIVIL JURISDICTION***

**CHAMBER SUMMONS NO.509 OF 2013  
IN  
CHAMBER SUMMONS (L) NO.579 OF 2013  
IN  
SUIT NO.3033 OF 1994**

**Oricon Properties Pvt. Ltd.  
(formerly known as National Cotton  
Products Pvt. Ltd.**

**... Applicants**

**In the matter between**

**Hamida Karim Ramodiya & Ors.**

**... Plaintiffs.**

**V/s.**

**Ramzanali Gulam Hussain Ramodiya & Ors.**

**... Defendants**

Mr K.R.Bulchandani with Avik Sarkar with Anoop Sharma i/b S.M.Kazi for applicants.

Mrs Vaishali Thorat i/b P.B. Gujar for Defedant No.1.

**CORAM : R.D.DHANUKA J.**

**DATED : SEPTEMBER 26, 2013.**

**P.C.**

Matter is placed on board for marking the additional documents relied upon by the applicants submitted along with additional affidavit in lieu of examination in chief dated 3<sup>rd</sup> September 2013. Some of the documents earlier relied upon by the applicants were marked by this Court by an order

dated 28<sup>th</sup> August 2013.

2. Learned counsel appearing for the parties have no objection if the documents forming part of additional compilation are also marked for the reasons already rendered by this Court in the order dated 28<sup>th</sup> August 2013 as under.

3. It is brought to the notice of the Court that one of the document which was at Sr.No.18 which was forming part of earlier compilation filed was not marked when order dated 28<sup>th</sup> August 2013 was passed. For the reasons recorded by this Court in order dated 28<sup>th</sup> August 2013, document at Sr.No.18 of earlier compilation is marked as **Exh-AW-22**.

4. As far as documents at Sr.No.1 to 6 and 12 to 17 of the additional compilation are concerned, for the reasons recorded in paras 5 & 6 of the Order dated 28<sup>th</sup> August 2013, these documents are marked as **Exhibit AW-23 to AW-34** respectively. Documents at Sr. Nos.18, 22, 25 and 28 of the additional compilation are marked as **Exhibit AW-35 to AW-38** respectively for the reasons recorded in para 2 of the order dated 28<sup>th</sup> August 2013.

5. As far as document at Sr. Nos.11, 20, 21, 24, 27 and 30 are concerned, the documents are marked as **Exhibit-AW-39 to Exhibit-AW-44** respectively for the reasons recorded in paras 3 & 4 of the order dated 28<sup>th</sup> August 2013.

6. As far as electricity bills are annexed at Sr.No.10-A, 10-B, 19, 23, 26 and 29 are concerned, these documents are marked as **Exhibit-AW-45 to Exhibit-50** respectively for the reasons recorded in para 2 of the order dated 28<sup>th</sup> August 2013.

7. As far as photocopies of the documents which are listed at Sr. Nos. 7 to 10 are concerned, the said documents are marked as **Exhibit-AW-51 to AW-54** respectively for the reasons recorded in para 10 of the order dated 28<sup>th</sup> August 2013.

8. It is made clear that merely because the documents are marked as exhibits, contents of such documents are not proved and shall be proved by the witness proposed to be examined by the applicants.

9. Both the parties are directed to co-operate with each other and with the learned Court Commissioner. Any party who seeks adjournment before the Court Commissioner shall have to bear the expenses and fees exclusively that may be charged by the learned Commissioner. Court Commissioner is directed to submit interim report in this Court on or before **15<sup>th</sup> January 2014.**

( R.D.DHANUKA, J.)